

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Village of Chama

MOTION TO SET ASIDE ENTRY OF DEFAULT

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) and pursuant to Fed. R. Civ. P. 55(c) respectfully requests the Court to set aside the entry of default of the for the following defendants in the Village of Chama subsection of Section 7:

Jo Myrle Smith CHCV-002-0027

Perry D. Smith CHCV-002-0027

As grounds therefore Plaintiff states:

1. The Clerk’s Certificate of Default with respect to the above-named defendants was entered on January 18, 2005 (Docket No. 7712).
2. The above-named defendants have recently contacted the State to discuss the State’s offer concerning their water rights in Section 7. They have signed the State’s proposed Consent Order and delivered the approved order to the State.
3. Good cause exists to set aside the entry of default with respect to the defendants named above.

WHEREFORE, the Plaintiff State of New Mexico *ex rel.* State Engineer requests the Court to set aside the entry of default for defendants Jo Myrle Smith and Perry D. Smith.

DATED: July 12, 2005

Respectfully submitted,

/s/ Ed Newville
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CERTIFICATE OF SERVICE

I hereby certify that copies of the above Motion to Set Aside Entry of Default were mailed to following persons on July 13, 2005.

/s/ Ed Newville
Edward G. Newville

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